

Remarks:

Claims 1-16 remain for consideration in this application. Claims 1 and 11 are independent.

In the office action mailed January 21, 2005, the Examiner objected to the drawings as failing to comply with 37 C.F.R. § 1.84(p)(4) because reference characters 34, 36, and 38 were each used to designate more than one part of the invention. To overcome this objection, Applicant has included a corrected drawing and has amended the specification accordingly. Applicant has also amended the specification to clarify the description of reference characters 34 and 36.

In addition, the Examiner rejected claims 1-5, 7, and 11-13 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0123924 to Eberle ("Eberle reference"). The Examiner also rejected claims 6, 8-10, and 14-16 under 35 U.S.C. 103(a) as being unpatentable over the Eberle reference. Applicant has attached to this Amendment a Declaration under 37 C.F.R. § 1.131 swearing behind the Eberle reference. The Eberle reference has a filing date of January 3, 2002. The Declaration states that Applicant reduced the claimed invention to practice in the United States prior to January 3, 2002. Exhibit A of the Declaration contains a drawing in which Applicant presented a version of the board which is the subject matter of claims 1-10 and the deck system which is the subject matter of claims 11-16. The drawing is dated prior to January 3, 2002.


The drawing (Exhibit A) shows a cross-sectional view of two boards. The boards are identical and are both within the scope of the board recited in claim 1. Claim 1 requires a board with similarly configured sides of an upper and lower lip, a groove with the inner-most surface located between the upper and lower lips, and the upper lip extending further from the inner-most surface than the lower lip. All of these limitations are shown in the drawing. The positioning of the boards

in a parallel fashion demonstrates the limitations of the deck system in claim 11. Thus, the Declaration establishes applicant's reduction to practice of the claimed invention prior to January 3, 2002, and all rejections based upon the Eberle reference should be withdrawn.

The Examiner raised no further rejections and cited no further references in this office action. Therefore, a Notice of Allowance appears to be in order.

Any additional fee which is due in connection with this amendment should be applied against our Deposit Account No. 19-0522.

Respectfully submitted,

By 

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Amendments to the Drawings:

The attached sheet of drawings includes changes made to Fig. 4. This sheet, which includes Fig. 3-6, replaces the original sheet including Fig. 3-6. In Fig. 4, incorrectly labeled reference numbers 34, 36, and 38 are correctly labeled with reference numbers 40, 42, and 44, respectively.

Attachment: Replacement Sheet